M. L

Grescent

G R S IX-5]

Previous references

ml 32-17(56, 144+165)

File No. 1-21

1921

(mine)

Serial Nos 20, 21, 32
46, 46, 68

Later references

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for mayor

SUBJECT

Acquisition of properties in Bangalore Cantt

~~68~~ 46, To, The DC Bangalore Divisional
The Cantt Cantt munc Council Mysore
The Comptroller
WD 5314-6/d 20 3·22

Accords sanction to the acquisition of certain properties in Cantt Mohalla Bangalore Cantt

WD 1858—GPB—16,826—28-7-21

3725

1921

From The Deputy Commissioner
Bangalore

To The Secretary to Govt
Revenue Department

Dated 7th Dec 1921
Despatched 9th GEN & REV SECT
Received 10 DEC 1921
General No Cr 903/21-22
No.
Enclosure No 1 file

Re- the acquisition of certain properties for Continuing the pipe line, Jala Mahalla, Bangalore

A portion of a ground has been proposed to be acquired. The Consent of the owners of the property has to be obtained for the land acquisition under as required under Section 4 9(1) of the L A. Rules. This has not been done.

2 The property being said to be urgently required by the Bangalore City Municipality, orders are solicited whether the enquiry may be made on the assumption that the Consent of the party

3 Be asked to make the

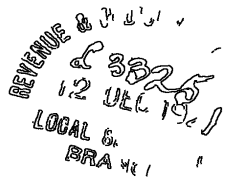
4/12/21

Office of the Deputy Commissioner,
Bangalore District,

No. . Dated Bangalore, 7th December 19..

From

B Ramaswamaiya, Esq., B A., B L,
Deputy Commissioner,
Bangalore District



mb
1-21
20

To

D.Srinivasa Iyengar, Esq , B A.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Revenue Department

Sir,

I have the honor to forward herewith declaration statements in English and Kanarese in connection with the acquisition of the marginally noted property for continuing the pipe line

Door No.12 Jali Mohalla, Hindustani Girls' School

2 The cost of acquisition of the property excluding the statutory allowance of 15% is estimated to be Rs.52-8-0 and the same will be met from the provisions under B(3) compensation in the current year's budget of the Bangalore City Municipality

3. The Chief officer, Bangalore City Municipal Council may be authorised to take order for the acquisition of the property

4 A copy of the resolution of the Municipal Council dated 6th August 19.. approving of the proposed acquisition together with plans in duplicate is also forwarded for reference

5 The Chief officer, Municipal Council, Bangalore City, in his letter No.560 dated 14th ultimo, a copy of which is enclosed, requests that orders of Government may be obtained for taking possession of the required portion of land pending the passing of an award, as it is urgently required by the Sanitary Engineer to connect the pipe line. Since, however, under section 17(1) Land acquisition Regulation, only waste or arable land can be taken possession of before award is made, it does not appear possible

possible to apply the provisions of the above section to the present case Care however, will be taken to complete acquisition proceedings as expeditiously as possible, after the declaration statements are ordered by Government to be published in the Gazette.

I have the honor to be,

Sir,

Your most obedient servant,

Deputy Commissioner,
Bangalore District

G. B. S III-2]

General and Revenue Secretariat.	File No. 1 of 1924.

Serial No	
	Draft is sent for approval 14.12.21 16/12/21 5 Issued dtd 16/12/21
21	To, The Deputy Commissioner Bangalore No d 3614/d 16 12 21 Requests to inform whether the consent of the owner of the property of house No 12 in Gali mohalla for opening a pipe lance has been obtained
22	Letter No CE 903/21-22 & 23 dtd 22 from the Secy Comm. Bangalore dtd Requests the plans and declaration statements in the matter and states that taking of the Covenant, dtd was unnecessary in view of the fact that the property belongs to the Municipality having been formerly granted for the benefit of the School and that the object of the grant not having been fulfilled by the managers, the Municipal Council have a right to take back the property and that the name of Aberdeen Shareef is not in possession of the property

NOTE.—Contin. sheet.

Serial No

property is entered in the declaration statement as only an occupant and requests therefore early sanction to the proposed acquisition, as the Executive Engineer, Embankment Division has been pressing for taking early action in the matter.

6 It is stated that the rail estimated by the city results for the recovery of the property in question is said to be still pending.

7 The property is said to be urgently required by the Santr. Dept. draft sanctioning the acquisition is annexed, submitted for appl.

8 In this connection the Dy. Comm. requests clear instructions as to whether the consent of the owner for the part acquisition of his property as required under Section 4 9 (1) of the L. A. Act should be taken before or after the publication of the declaration statement.

9 If approved Rs. questions may be taken up after orders are issued on the proposed acquisition.

Sd/-

D. 3. 22

(for Revenue Secy)

3/3

Sd/-

3/3/22

Note—Contn sheet.

5316 4

G R. S III-2,

General and Revenue Secretariat | A(File No. | of 19 4

Serial No

The owner is not supposed to be aware of the intended requisition till the declaration Statement is published in the Gazette. It is then open to him to ask that the whole house may be required under sec 69 (1). In the present case the owner is not consent & the proceedings are to be taken against K. Sheriff whose possession of the building his consent does not therefore appear to be necessary

(2) draft may be approved

ley 4/3 dy

83 6/3

13 1st member 4/3 ley

15) Issue DCB 7/3/22

45 To, The DC Bangalore, Cantonment Council Bangalore, Comptroller

No S 314-6/ dt 20 3 22

Accords Sanction to the acquisition of certain properties for Constructing Continuing the pipe line from Victoria Hospital

46 The Compiler, Mysore Gazette No dt 5-3-22 Notifies the above

Note—Contn sheet.

51430 5544 5

G R S III-2)

General and Revenue Secretariat | File No. 1 of 19 22

Serial No.

27 APR 1922

The Attention is respectfully invited to para 8 supra. Whether the consent of the owner for the proposed acquisition of his house under Section 4 (1) of the L. A Regn has to be obtained before or after the publication of the declaration statement, is a point for orders.

refer to some annotated edition if there is no reference here

Attd

3/4

1] As the question is not quite free from doubt, the Govt Advocate may, if approved, be consulted

(Rev Secy)

18 Yes

4/4/22

1] Forwarded, with compliments, to the Govt Advocate in Mysore for favour of opinion

By Order,

DC Subbaraya ppa,

for Rev Secy to Govt

20/4/22

2] There is nothing in the Land Acquisition Regulation that suggests that the permission of the owner of a house etc should be taken, in cases where a part only of such house

070

REVENUE & JUDL SECRETARIAT 22 APR 1922 LEGAL & SELF GOVT. BRANCH

Dy 119/4

Dy 4

REVENUE & JUDL 27 APR 1922

Dy & REV SECY

NOTE—Consult Index

27 APR 1922

5646

6

G R S III-2]

General and Revenue Secretariat | File No 1 of 19 21

Serial No

house is sought to be acquired, before the publication of the notification or declaration. The object of causing public notice to be given to all persons interested in order them to state their objections, is to afford such persons an opportunity of formulating and urging all their objections. An objection of the kind referred to in section 4 (1) could well be urged, therefore, after the publication of the declaration. Consent of the owner can also be taken at that stage.

H Shamsuddeen
Govt advocate
26/4/22

21 Draft Letter on the above lines
Submitted for approval

5 V 68 / 21 — 5 V 45 22 (2nd November) — 2nd 45 22

23 Govt Advocate, Chittoor, Madanapalle should be changed

Note—Contn. sheet.

55th 7

R S III-21

General and Revenue Secretariat | File No. 1 of 1921

Serial No

the consent of the owner is not necessary
As the Municipal Council is contesting
the claim of the ~~owner~~ occupant it is
better to avoid any ~~admission~~ thing ~~[illegible]~~
which might be construed as an admission
in support of the [illegible] of the claim of the
occupant to the ownership of the building

10/5

6/5

14 issue

68 Letter No. L 6716 d/ 17.5.21 to the
Dy Commr, Bangalore etc.
States that the consent of the
owner is not necessary &c.

Note—Contn. sheet.

A 3825

Section Genl
File No 1-21
Serial No 21

L 3514 Dt 16 12 1921

To Revs Accts Sts in duplicate (Engl + Kan) + plans + one

Secy to Govt
Bangalore Dist.

Sir,

With ref to your letter No. DC 903/21-22 & the 7th December 1921 in the matter of the acquisition of a portion of Survey No 12 in Jalihalla, III Division, Bangalore city, required for [illegible] conducting the pipe line, I am directed to invite your attention to Section 49(1) of the L. A. Regn and to request you to do so soon as to ascertain [illegible] information obtained for the President of the Bangalore city Municipal Council

GPB—20 000—7 7 14

GRS 27]

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form.*)

whether the consent of the owners of the property for the proposed hart acquisition were obtained as thereon previously.

We plans and the declaration statements are enclosed herewith for perusal and remittance with the reply was called for.

Yours faithfully,

for [illegible]

[illegible]

[illegible]
10.12.74

35221 Mr V

From The Deputy-Commissioner Baroda Dist.

To The Secretary to Govt; Revenue Dept.

Dated 22nd February 1922

Despatched 27-2-22

Received

General No OC 203/R-22 28 FEB 1922

No

Enclosure No Declaration. Statement; please see copy of the letter.

Re. The acquisition of certain properties for enlarging the sewage farm line from Vaccina Hospital to Sardapat

Office of the Deputy Commissioner,
Bangalore District,
Dated Bangalore, 23rd February 1922.

No. C. 903/21-22.

From

B.Ramaswamaiya, Esq., B.A., B L.,
Deputy Commissioner,
Bangalore District

L 3544
RECEIVED & JUDICIAL SECRET
1 MAR 1922
LOCAL SELF GOVT.
BRANCH.

To

C.Venkata Rao, Esq., B.A ,
Secretary to the Government of His Highness
the Maharaja of Mysore, Revenue Department.

Mr 1-21-22

Sir,

Referring to your letter No L.3514/Ml.1-21-21 dated 16th December 1921 returning the declaration statements etc, in respect of a portion of house No.12 in Jali Mohalla, Bangalore City, for ascertaining whether the consent of the owner of the property has been obtained for part -- acquisition, I have the honor to resubmit the statements and plans and to state as follows -

The President of the Municipal Council, Bangalore City, who had been requested in this office No.C.C.903 of 21-22 dated 27th December 1921 to intimate whether the party is willing to the part acquisition, states in reply(vide his letter No.1302 dated 21st January 1922)that the taking of the consent is immaterial in view of the fact that the property belongs to the municipality having been formerly granted for the benefit of the school and that the object of the grant not having been fulfilled by the manager, the Municipal Council had resolved to take back the property by filing a suit against him, which action has been sanctioned by Government in their order No F 7165-6/Ml 32-17-145 dated 20th December 1919 The name of Kutbudeen Sharef who is not in possession of the property is entered in the declaration statement as only an occupant

Under the above circumstances, I request that you may be pleased to obtain the sanction of Government to the acquisition proposed and cause

cause the declaration statements to be published in the Gazette

4 Further, as already represented in para 5 of my letter No. C C.903 of 21-22 dated 9th December 1921 the property in question appears to be very urgently required by the Sanitary Department of Government for constructing the sewage pipe line from the Victoria Hospital to Arlepet The Executive Engineer Sanitary Division, Bangalore, in his No 1419 dated 21st January 1922 has requested for taking early action in the matter, of the acquisition

5 In this connection I beg to enclose herewith for orders of Government copy of letter No.1302 dated 21st January 1922 of the President, Municipal Council, Bangalore City, who is of opinion that the obtaining of the owner's consent under section 49 of the Land Acquisition Regulation is not necessary before the publication of the declaration statement. But it appears to me that taking of the consent of the owner should be before, and not after, the property is declared for acquisition, because, reading section 49 with sections 6 to 9 of the Regulation, it would appear that after the declaration of the intended acquisition the owner of the property may be allowed to state his objections only as regards the correctness of the measurements and the amount and particulars of claim to compensation but not as to whether he is willing or no , to part with a portion of the property Such consent as is required under section 49 has therefore to be taken before the declaration

6 I solicit early orders of Government in this matter

I have the honor to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Bangalore District

Letter No.1302 dated 21st January 1922, from the President City Municipal Council, Bangalore City, to the Deputy Commissioner Bangalore District.

With reference to your letter No.O.C.903 of 21-22 dated 27th December 1921 returning the plans and declaration statements relating to the acquisition of a portion of vacant land, out of door No.12, Jalimohalla, Hindustani Girls School, for continuing the pipe line from the Victoria Hospital and enquiring whether the consent of the owner has been taken for the part acquisition, I have the honor to state that this consent cannot be taken. In fact the -- property belongs to the Bangalore City Municipality. As it was granted for the benefit of the school and as the object of the grant was not fulfilled, it was resolved by the Municipal Council that the property should be taken back by filing a suit against the late -- manager of the said school. This has been sanctioned by Government in their order No.R.7165-6/M1.32/17/145 dated 20th December 1919. Accordingly, a suit has been filed for the recovery of the property and is pending before the Court. The name of Kutbudeen Sheriff, who is now in possession of it, is entered in the declaration statement as only an occupant. His Counsel is immaterial.

2. In this connection I may be permitted to point out that for many years past acquisition of properties in part has been going on in the City and no consent of the owner was ever obtained before the declaration. There has been, I understand, thousands of acquisitions dealt with in this manner. It is only during the past few months that this office is being required to obtain the consent of the owner for acquisition ofproperty in part. I am not sure that it is obligatory under section 49 of the Land Acquisition Regulation, that such consent should be obtained before declaring the property for acquisition. A reference was made to you

you accordingly in this office No.120 dated 19th July 1921 in another case and your reply No.H.C.920 of 21-22 dated 21st -- November 1921 states that it is desirable that such consent should be obtained before declaration. You are aware that there will be cases where the ownership is under dispute or where either the owner or his whereabouts will be unknown. In such cases it will not at all be possible to obtain such consent and when the declaration is made impossible without such consent, the acquisition itself becomes impossible. You will, therefore, I hope, agree with me that this is not the intention of the Land -- acquisition Regulation. Section 6 of this regulation does not provide that any such consent should be obtained as suggested by you. Under section 49 of the Regulation, the Land Acquisition officer will stay proceedings if the owner should desire that the whole of his property should be acquired. What will then be required to be done will be to declare the whole property for acquisition or to give up acquisition as the circumstances of the case may warrant. I do not see why in such cases as stated in your letter dated 21st November 1921 quoted above, a reference should be made to the Civil Court. Such a reference will be needed only in cases where a question arises as to whether the portion to be left out forms part of the house to be acquired. Nor do I apprehend any difficulty or delay in the practice in vogue. On the other hand, the obtaining of consent in the first instance is likely to cause delay. It is after due publication of the declaration that the persons interested in the property to be acquired will have notice of the acquisition and it is for the Land Acquisition officer to investigate the several claims put forward. It is then that objections to part acquisition can be put in and it will be dealt with before making an award as

as per provisions of the Regulation.

I therefore request you to submit to Government the declaration statement in question at an early date to save further delay. The Sanitary Engineer has been pressing for the acquisition.

I trust that hereafter you will not insist on ~~account~~ Consent of the owners being previously obtained for the reasons I have set forth in this letter. If need be, you may make a reference to Government regarding the point raised and obtain their orders.

The enclosures to your letter under reply are herewith returned.

"C O P Y"

Deputy Commissioner,
Bangalore District.

PROCEEDINGS OF AN ORDINARY GENERAL MEETING OF THE

CITY MUNICIPAL COUNCIL, BANGALORE,

HELD ON 6th AUGUST 1921.

---

18 Municipal Engineer's Memo No.98, dated 22nd July 1921 submitting plan and valuation statement for acquiring a portion of house No.12, Jali Mohalla, Hindustani Girl School in H.Ramaiy lane III Division, required for continuing the pipe line

Resolution -Sanctioned.

Sd/ D.K. Garudachar,
President.

"C O P Y"

Chief Officer

G R. S VI—6/5] DRAFT

SUBJECT

Section
File No
Serial No

Drary No of letter replied to 5574

Proceedings of the Government of H H the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT

( )

, the *191*

READ— Correspondence ending with Letter No dated from the recommending sanction to the acquisition of the ~~undermentioned~~ property/properties for

ORDER THEREON —No

Date of issue

Signed by

The acquisition of the property recommended in the above is sanctioned, the being appointed to perform the functions of a Deputy Commissioner under the Land Acquisition Regulation and authorised to take order for the acquisition of the said property/properties

2 The declaration statements in English and Kannada will be forwarded to the Compiler of the *Mysore Gazette* for publication

3 The cost of acquisition amounting to Rs ~~exclusive~~ of the statutory allowance may as proposed be met from provision made under

in the current year's budget

Secretary to Government,

ತಾರೀಖು ೭ನೇ .೩ 22

ನಂಬರ್ ೫೩೧.

ಇನ್ಸ್.

1894ನೆಯ ವರ್ಷದ 7ನೆಯ ನಂಬರ್ ಲ್ಯಾಂಡ್ ಅಕ್ವಿಸಿಷನ್ ರೆಗ್ಯುಲೇಷನಿನ 6ನೆಯ ಪ್ರಕರಣವನ್ನನುಸರಿಸಿ ಇದರಿಂದ ಪ್ರಸಿದ್ಧ ಪಡಿಸುವುದೆ ಅವಶ್ಯಕವಾಗಿದೆ, ಮತ್ತು ಮೇಲ್ಕಂಡ ರೆಗ್ಯುಲೇಷನಿನ 7 ನೆಯ್ದ 3 (೮) ಪ್ರಕರಣಗಳನ್ನನುಸರಿಸಿ ~~ಆಕ್ಷೇಪಣೆಯುಳ್ಳವರು ಇದಕ್ಕೆ ಮುನ್ಸೀಫರ್ಲ್ಲಿ~~ ದೂರ್ಸ್ಸ

ಡಿಸ್ಟ್ರಿಕ್ಟ್	ತಾಲ್ಲೂಕು	ಹೋಬ್ಳಿ	ಹಳ್ಳಿ	~~ಜಾತೀವಾರನ ಯಾ ಮಾಲೀಕನ ಹೆಸರು~~	ಸರ್ವೆನಂಬರ್	ಜಾಲಿನೀಕನ ಜಾಗ (ಪೆಂಟಿನ, ತಾಸಿ ಯಾ ಮಜ್ಜಿನ ಧಾನದ ಮನೆ	ಒಟ್ಟು ವಿಸ್ತೀರ್ಣ ಇದರಗಲ ಯಾ ಅಂಕಣ	ಈಗ ಸರ್ಕಾರ	
								ಉದ್ದ ಅಡಿ	ಅಗಲ ಅಡಿ
1	2	3	4	5	6	7	8		
					12		2633	1,8	3

ಮೈಸೂರು ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಪ್ರಸಿದ್ಧಿ ಪಡಿಸುವದಕ್ಕೋಸ್ಕರಗೆಜೆಟ್ಟಿನ ಕಂಪೈಲರಿಗೆ

NOTIFICA

Under Section 6 of the Land Acquisition No VII of 1894, it is hereby declared that the la
and under Sections 7 and 8 (C) of the said Regulation, the ~~Assistant Commissioner in charge of~~ Chief Revenue Officer

District	City	Division	Street	Name of ~~khaledar or owner~~ occupant	Municipal No	Vacant site, house (tiled, terraced or mudroofed	Total extent in Sq yds or Ankanams	Extent in		
								Length in ft	Breadth in ft	Area in Sq ft
1	2	3	4	5	6	7	8			
Bangalore	Bangalore	III Division	N Ramaiya Lane	Muthukeera Shanbhag	12	Vacant Mudwall Do Terraced	263 3	48	3	14

A plan showing the property above referred to, is deposited in the Bangalore and may be inspected

To

The Compiler, *Mysore Gazette*, for publication in ~~three successive issues of~~ the Gazette

...ON No. [illegible] 3/17 [illegible] 1-21-40 dt 20-3-22

described hereunder is required for a public purpose viz for replacing the pipe line [illegible] -ing Municipal Council is [illegible] is authorised to take order for the acquisition of the said land

required,			Boundaries				Remarks
Area in Sq yd	Ankanams	Running ft	East	West	North	South	
			9	10	11	12	13
16		3 3	H Rangaji lane	Mamma[illegible] lane	Remaining portion of the property	Remaining portion of the property	–

a land is kept in the city Municipal office by the persons interested during office hours

[illegible]
Deputy Commissioner
[illegible]

Secretary to the Government of
H H the Maharaja of Mysore,
General and Rev Secretariat.

ಗಳ 1-..ಫ-..೬೬

ನಾಮೆ

1 — ಇದರಲಿ ವಿವರಿಸಿರುವ ಜಮೀನು ಸರ್ಕಾರಿ ಕೆಲಸಕ್ಕೆ, ಎಂದರೆ,

ಇಲ್ಲಿ ಹೇಳಿರುವ ಮಿತಿ ... ಜಾಡೆಯಲ್ಲಿರುವ ಅಪ್ಪಣೆಯಂತೆ ಜಮ್ಮಕ್ಕೆಯಾಗಿ ಸದರಿ ಜಮೀನನ್ನು ಹೊಂದುವುದಕ್ಕೆ ಕೃಪೆಮಾಡಿಸಲು ಅಧಿಕಾರ ಕೊಟ್ಟಿದೆ

ಕಾಗಿರುವ ವಿಸ್ತೀರ್ಣ			ಹದುಗಳಲಿ				ಪರಾಗಳು
ಸದರಿ ಕ ಗಣ	ಎಂಕೆಡಿ	ಸೈಕಡಿ	ಪೂರ್ವ	ಪಶ್ಚಿಮ	ಉತ್ತರ	ದಕ್ಷಿಣ	
9			10		11	12	13
16	-	-					
		3					
		3					

ಅಪ್ಪಣೆಯ ಮೇರೆಗೆ,

ಮೈಸೂರು ಸರ್ಕಾರದ ಜನರಲ್ ಮತ್ತು ರೆವಿನ್ಯೂ ಸೆಕ್ರೆಟರಿ

Chief Commissioner,

G R. 8 VI—G/5

SUBJECT

Diary No. of letter replied to 5544

General and Revenue Secretariat
(Rl)
, the 191

Date of issue 17.5.22

Signed by Mr D.C.S

Section Rl
File No A- 21
Serial No 68

No. L 6716

To

The Dy Commr,
Bangalore Dist.

Sir,

With ref to para 5 of your letter No. RC 90 3 21-22-8 dtd 23rd Feb 1922 enquiring whether in the case of Partacquisition of a house, the owner's consent under Section 49(1) of the L.A. Act should be taken before or after the publication

over

the declaration statement

respect thereof, I am directed

state that ~~no~~ ~~statement~~ of the following:

~~this~~ owners may well be taken

~~soon after the publication~~

~~of the declaration statement~~

~~for the said acquisition of~~

~~the same.~~

I have to

dear Sir

Yours faithfully

Yours, copy Court

opinion in full

~~It is not considered that the~~

owners is not necessary,

as the municipal Council

~~is not entering into the declaration~~

~~by the occupant~~, it is better

to avoid anything which

might be construed as

an admission on the

part of Court of the

claim of the occupant

to the ownership of the

building.

Draft subm. to the members

in person & approved by

them

dear Sir

List of enclosures.

Copied by

Examined by